



**Brown Buchanan**  
ATTORNEYS AT LAW  
A Professional Association

PASCAGOULA OFFICE  
3112 Canty Street  
Post Office Box 2220  
Pascagoula, Mississippi 39569-2220  
Tel: 228.762.0035  
Fax: 228.762.0299

[www.brownbuchanan.com](http://www.brownbuchanan.com)

BILOXI OFFICE  
796 Vieux Marché, Suite 1  
Post Office Box 1377  
Biloxi, Mississippi 39533-1377  
Tel: 228.374.2999  
Fax: 228.435.7090

Patrick R. Buchanan  
228.374.2999  
[mailb@brownbuchanan.com](mailto:mailb@brownbuchanan.com)  
Reply to: Biloxi

September 16, 2009

Via Facsimile & U. S. Mail

Ms. Haley N. Broom  
Mr. Joe C. Gewin  
Dukes, Dukes, Keating & Faneca  
P.O. Drawer W  
Gulfport, MS 39502-0680

Re: *Gary Brice McBay v. Harrison County, MS, et al*  
United States District Court for the Southern District of Mississippi  
Cause No. 1:07-cv-01205-LG-RHW

*John Aaron Vanderburg v. Harrison County, MS, et al*; United States District  
Court for the Southern District of Mississippi, Southern Division  
Cause No. 1:08-cv-90-LG-RHW

*Marguerite Carrubba v. Harrison County, MS, et al*; United States District Court  
for the Southern District of Mississippi, Southern Division  
Cause No. 1:07-cv-1238-LG-RHW

*William David Seal v. Harrison County, MS, et al*; United States District Court  
for the Southern District of Mississippi, Southern Division,  
Cause No. 1:08-cv-00175-LG-RHW

Dear Haley & Joe:

I am in receipt of deposition dates for Ken Katsarsis and Megan Ciota, as well as their respective fee schedules. Please consider this my good faith attempt to resolve certain issues.

First, as you know, the discovery deadline in these cases is October 1, 2009 and the dispositive motion deadline is October 22, 2009. The proposed deposition dates are all after these deadlines. This is not acceptable.

Second, I believe your experts need to travel here, at their own expense, for these depositions.



Ms. Haley N. Broom  
Mr. Joe C. Gewin  
September 16, 2009  
Page Two

The litigation is here. You decided to select out of state experts and I do not believe I am responsible to travel out of state.

Third, Mr. Katsarsis fee is unreasonable. He wants to charge a minimum fee of \$2,000 for a five (5) hour minimum, then \$400 per hour over five (5) hours. Dr. Ciota's charge for a deposition is \$600 per hour. Both are excessive. I need a reasonable hourly fee, and should have to pay only for the time I spend.

Pursuant to Rule 26(b)(4)(c) of the Federal Rules of Civil Procedure, I believe I am required only to pay a reasonable fee for their deposition time. I do not believe I am required to pay travel time, travel expenses or preparation time.

I would request you provide me deposition dates prior to the discovery deadline, and provide me with a reasonable cost for both depositions.

Sincerely,

BROWN BUCHANAN, P.A.

PATRICK R. BUCHANAN

PRB/sg

cc: Mr. Mark V. Watts  
W9011Broom-Gewin091609sg

**BROWN ♦ BUCHANAN**  
**ATTORNEYS AT LAW**  
A PROFESSIONAL ASSOCIATION  
[www.brownbuchanan.com](http://www.brownbuchanan.com)

PASCAGOULA OFFICE

3112 Canty Street  
Post Office Box 2220  
Pascagoula, Mississippi 39569-2220  
Tel: 228.762.0035  
Fax: 228.762.0299

BILOXI OFFICE

796 Vieux Marche, Suite 1  
Post Office Box 1377  
Biloxi, Mississippi 39533-1377  
Tel: 228.374.2999  
Fax: 228.435.7090

Patrick R. Buchanan  
228.374.2999  
[mailb@brownbuchanan.com](mailto:mailb@brownbuchanan.com)  
Reply to: Biloxi

**FACSIMILE TRANSMITTAL SHEET**

DATE: September 16, 2009

TO: Haley N. Broom  
Joe C. Gewin

FACSIMILE: 228-863-2886

FROM: Patrick R. Buchanan

MESSAGE: See attached.

NUMBER OF PAGES: 3 ( INCLUDING COVER)

ANY PROBLEMS - Call Sharon at (228) 374-2999

The information contained in this facsimile message is legally privileged and confidential information intended only for the use of the individual or entity named below. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this telecopy is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone and return the original message to us at the address above via the U.S. Postal Service. Thank you

TRANSACTION REPORT

SEP-16-2009 WED 02:26 PM

FOR: BROWN BUCHANAN, PA 228 435 7090

SEND

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
SEP-16	02:25	PM 8632886	32"	3	FAX TX	OK	188	

TOTAL : 32S PAGES: 3

The information contained in this facsimile message is legally privileged and confidential information intended only for the use of the individual or entity named below. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this telecopy is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone and return the original message to us at the address above via the U.S. Postal Service. Thank you

ANY PROBLEMS - Call Sharon at (228) 374-2999

NUMBER OF PAGES: 3 (INCLUDING COVER)

MESSAGE: See attached.

FROM: Patrick R. Buchanan

FACSIMILE: 228-863-2886

TO: Haley N. Broom  
Joe C. Gevin

DATE: September 16, 2009

FACSIMILE TRANSMITTAL SHEET

Patrick R. Buchanan  
228.374.2999  
mailto:prb@brownbuchanan.com  
Reply to: Biloxi

BILLOXI OFFICE  
796 Vieux Marche, Suite 1  
Post Office Box 1377  
Biloxi, Mississippi 39533-1377  
Tel: 228.374.2999  
Fax: 228.435.7090

PASCAGOULA OFFICE  
3112 Canty Street  
Post Office Box 2220  
Pascagoula, Mississippi 39569-2220  
Tel: 228.762.0035  
Fax: 228.762.0299

BROWN & BUCHANAN  
ATTORNEYS AT LAW  
A PROFESSIONAL ASSOCIATION  
www.brownbuchanan.com